

Application No. 10/736,535
Amendment dated October 16, 2007
Reply to Office Action of July 24, 2007

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 17, 18, 19 and 20 are currently pending. Claim 17 has been amended. Claims 1-16 were previously canceled. Claims 20 and 21 have been canceled by way of the present amendment. No claims have been added. No new matter has been added. No new claims have been added. Reconsideration is respectfully requested.

Applicant would first like to thank Examiner Nguyen for the courtesies extended during the interview conducted October 10, 2007. Proposed amendments to the pending claims were discussed. The proposed amendments were intended to overcome the references cited in the outstanding Office Action. After discussing the proposed amendments in substantial detail it was agreed Applicant would amend the claims in an effort to overcome the outstanding rejection.

Claims 17-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0188276 to Evans et al. This rejection is respectfully traversed in view of the preceding amendment and the remarks which follow.

In particular, claim 17 has been amended so as to define a method for the treatment of venous stasis through vascular ablation. The method includes the steps of advancing an elongated intraluminal member through a vein to a treatment site. Thereafter, the intraluminal member is activated to disrupt or irritate the surface of a vein wall of the vein at the treatment site in a manner creating spasm of the vein at the treatment site. In addition, sclerosant is injected into the vein at

Application No. 10/736,535

Amendment dated October 16, 2007

Reply to Office Action of July 24, 2007

the treatment site causing irreversible damage to endothelium at the treatment site by reducing blood flow and reducing blood volume in the vein at the treatment site.

In contrast to the claimed invention, Evans is concerned with an apparatus and method for clot dissolution. As such, Evans does not disclose or suggest "a method for the treatment of venous stasis through vascular ablation". Evans also does not disclose or suggest the activation of an intraluminal member in a manner "creating spasm of the vein at the treatment site". In addition, Evans does not disclose the injection of a sclerosant at the treatment site so as to cause "irreversible damage to endothelium at the treatment site by reducing blood flow and reducing blood volume in the vein at the treatment site".

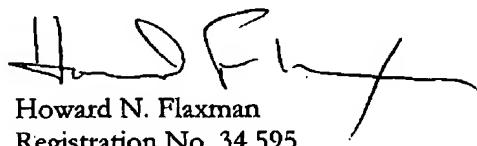
In stark contrast, Evans is concerned with clot disruption and dissolution so as to restore the flow of blood through a blood vessel. With this in mind, Evans is in fact contrary to the present invention which provides a method for vascular ablation designed to reduce blood flow and blood volume at a treatment site.

With the foregoing in mind, it is Applicant's opinion amended claim 17 overcomes Evans and Applicant respectfully requests the outstanding rejection be withdrawn. As to those claims dependent upon independent claim 17, they are also believed to overcome Evans for at least the reasons presented above. As such, Applicant respectfully requests the rejection of these claims also be withdrawn.

Application No. 10/736,535
Amendment dated October 16, 2007
Reply to Office Action of July 24, 2007

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



Howard N. Flaxman
Registration No. 34,595

Welsh & Flaxman LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122
Our Docket No. TAL-001